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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,732	09/22/2003	Makoto Nagase	Q77603	4670

23373 7590 11/25/2005

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EXAMINER

HSIEH, SHIH WEN

ART UNIT PAPER NUMBER

2861

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,732

Applicant(s)

NAGASE, MAKOTO

Examiner

Shih-wen Hsieh

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-27 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-19-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US Pat. No. 6,107,726).

Lee teaches:

A liquid ejecting apparatus, comprising:

a carriage (40, fig. 1, col. 3, line 39), reciprocating, refer to col. 3, lines 38-45;

a liquid ejecting head (51, fig. 1), mounted on the carriage, and having a nozzle forming face from which liquid is ejected, refer to col. 3, lines 38-45; and

Art Unit: 2861

a wiping member (630, fig. 2), wiping the nozzle forming face in accordance with a movement of the carriage, refer to col. 4, lines 18-22, and fig. 5 shows the movement of the carriage to cause the wiping action,

wherein the wiping member includes:

a body part (632, fig. 2);

a wiping part (not numbered, however, is the upper slender portion of the wiper 632, fig. 2), formed at a tip of the body part for abutting the liquid ejecting head; and

a support part (631c, figs. 2, 4B and 5B), supporting the body part, refer to col. 4, line 27-28;

wherein the support is formed inside the wiping part, refer to figs. 2 (before inserting into the wiper support), 4B and 5B (after inserting into the wiper support).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.

In regard to:

Claim 2:

The device of Lee DIFFERS from claim 2 in that it does not teach:

wherein the support part is formed so that a sectional area of the support part parallel with a bottom face of the support part becomes smaller toward the tip from the bottom face.

This claim concerns the shape of the support part, therefore it would have been an obvious matter of design choice to design a shape of the support part, such as the pyramid shape in the instant application, since such a modification from a rectangular shape into a pyramid shape would have involved a mere change in the shape of the support part. A change of shape of a component, such as the support part of the wiper, is generally recognized as being within the level of ordinary skill in the art, refer to MPEP 2144.04 IV B.

Claim 6:

The device of Jackson et al. DIFFERS from claim 6 in that it does not teach:

wherein the support part has an elastic coefficient larger than that of the wiping part.

First, on a commonsense basis, a support used to support a device, e.g., a wiper blade in this case, the elastic coefficient or the rigidity or commonly speaking the stiffness of the support has to be at least equal to the device it suppose to support. Otherwise, it would not constitute as a support. Since this claim is related to a selection of materials such that the support is one kind of material, and the wiping part is of another kind. Therefore it would have been obvious to a person having ordinary skill in

Art Unit: 2861

the art at the time the invention was made to select known materials for the support part and the wiping part, since it has been held to be within the general skill of a worker in the art to select known materials on the basis of its suitability for the intended use, refer to MPEP 214.07.

Allowable Subject Matter

6. Claims 12-27 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

In regard to:

Claims 12-18:

The primary reason for the allowance of claims 12-18 is the inclusion of the limitations of a plurality of support parts, supporting the body part; and wherein the support parts are provided on a face of the wiping part that is opposing to a wiping face of the wiping part which the liquid ejecting head abuts. It is these limitations found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior.

Claim 19-27:

The primary reason for the allowance of claims 19-27 is the inclusion of the limitation of wherein the support part is formed such that a sectional area of the support part parallel with a bottom face of the support part becomes smaller toward the tip from the bottom face. It is this limitation found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Response to Arguments

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.


Lee's reference (US 6,109,726) teaches a wiper blade is inserted into a wiper support, i.e., the support is formed inside the wiper blade.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Meier can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHIH-WEN HSIEH
PRIMARY EXAMINER


Shih-wen Hsieh
Primary Examiner
Art Unit 2861

Application/Control Number: 10/665,732

Page 8

Art Unit: 2861

SWH

A handwritten signature in black ink, appearing to be 'mm' or similar, written over the date.

Nov. 22, 2005